

Notice of Rulemaking Hearing

Tennessee Department of Environment and Conservation Water Quality Control Board

There will be a series of hearings before the Water Quality Control Board to consider the promulgation of amendments of rules pursuant to the Tennessee Water Quality Control Act of 1977, Sections 69-3-101 et seq. and the Tennessee Environmental Protection Fund 68-203-101 et seq. The hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place at the following times and locations:

DATE	SITE	HEARING LOCATION	TIME
May 30	Jackson	West Tennessee Experiment Station Agriculture Center, Room B 605 Airways Blvd.	7:00 p.m. CDT
June 1	Cookeville	Tennessee Technological University Pennebaker Hall, Room 128 or Prescott 1100 North Dixie Avenue	7:00 p.m. CDT
June 5	Murfreesboro	Auditorium Fleming Training Center 2022 Blanton Drive	7:00 p.m. CDT
June 6	Knoxville	Pellissippi State Technical Community College J L Goins Administration Building 10915 Hardin Valley Drive	7:00 p.m. EDT
June 7	Chattanooga	Chattanooga State Office Building First Floor Auditorium 540 McCallie Avenue	7:00 p.m. EDT

The proposed rule revisions as well as the text of notice can be found at the TDEC website at www.tdec.net/wpc/publications. To otherwise obtain copies of the proposed revisions/text of the notice, please contact Glenda Stiles of the Division of Water Pollution Control by e-mail at Glenda.Stiles@state.tn.us or by phone at 615-532-0637.

Any individuals with disabilities who wish to participate in these proceedings should contact the Division of Water Pollution Control to discuss any auxiliary aids or services needed to facilitate such participation. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date, to allow time for the Division to determine how it may reasonably provide such aid or service. Contact the Tennessee Department of Environment and Conservation ADA Coordinator at 1-866-253-5827 for further information. Hearing impaired callers may use the Tennessee Relay Service (1-800-848-0298).

Oral and written comments will be accepted at the rulemaking hearings. In addition, written comments will be considered if received by close of business, June 26, 2006, by at the office of the technical secretary, Tennessee Water Quality Control Board, c/o Saya Qualls, Chief Engineer by e-mail at Saya.Qualls@state.tn.us or by regular mail at the following address:

6th Floor, L & C Annex
401 Church Street
Nashville, TN 37243-1534

Summary of Proposed Revisions to Rules

The Tennessee Water Quality Control Board (the board) has initiated the rulemaking process to make revisions to Tennessee's permitting and fee rules. Recently the Tennessee Water Quality Control Act (TWQCA) was amended to provide for citizen appeal of permit actions. The revisions to 1200-4-5 will incorporate that change in law, will provide minor clarifications and corrections to the rule. The revision to 1200-4-11 is a result of a petition before the board to specifically identify individual concentrated animal feeding permits as an annual maintenance fee category. In addition, a typographical error will also be corrected.

Chapter 1200-4-5

The rule revision will include several minor changes to correct a typographical error in the chapter title and internal references in subchapters .02 and 07. The chapter title currently reads, "Permit Effluent Limitations and Standards" instead of reading, "Permits, Effluent Limitations and Standards." The rule revision would make that correction. The rule will also be revised in subchapter .07, paragraph (2), subparagraph (n) to prohibit all overflows in order to stay consistent with federal rule and policy.

Subchapter .12 is being modified in order to implement the recent amendment to the TWQCA and will entitle aggrieved persons (in addition to permittees and applicants for permits) a review of permit actions by the Water Quality Control Board. In addition the rule revision will require that permittees, applicants for permits and aggrieved persons be specific in their appeal or request for review and that any such review would only include issues that were brought forth during the public comment period.

Several revisions are being made to subchapter .14 including a change in paragraph (6) that specifies that all CAFOs regardless of size will submit application information to both the Tennessee Department of Agriculture and the Department of Environment and Conservation. Paragraph (15) contains language that requires that CAFOs seeking permit coverage after December 31, 2006, have a nutrient management plan developed, approved and have all measures, structures, etc., in place to fully implement upon the date of permit coverage. Finally, a typographical error is being corrected in paragraph (16), subparagraph (d) part 4.

Chapter 1200-4-11

In addition to correcting a typographical error in Rule 1200 – 4 – 11-.02 (2), the same paragraph would be amended by inserting the following language as part 12 under subparagraph (b) and renumbering the remaining parts:

12. Concentrated animal feeding operations covered by an individual permit \$250

I certify that this is an accurate and complete representation of the intent and scope of rulemaking proposed by the Department of Environment and Conservation's Division of Water Pollution Control.

Paul Estill Davis, Technical Secretary
Water Quality Control Board

Subscribed and sworn to before me this the _____ day of _____, 20____.

Notary Public

My commission expires on the _____ day of _____, 20____.

The notice of rulemaking set out herein was properly filed in the Department of State on the _____ day of _____, 20____.

Riley C. Darnell
Secretary of State

By:_____